

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**Nadine Gazzola**, individually, and as co-owner, President, and as BATFE Federal Firearms Licensee Responsible Person for **Zero Tolerance Manufacturing, Inc.**;

**Seth Gazzola**, individually, and as co-owner, Vice President, and as BATFE FFL Responsible Person for **Zero Tolerance Manufacturing, Inc.**;

**John A. Hanusik**, individually, and as owner and as BATFE FFL Responsible Person for d/b/a “**AGA Sales**”;

**ANSWER**

CIV NO. 1:22-CV-1134  
(BKS/DJS)

**Jim Ingerick**, individually, and as owner and as BATFE FFL Responsible Person for **Ingerick’s, LLC**, d/b/a “**Avon Gun & Hunting Supply**”;

**Christopher Martello**, individually, and as owner and as BATFE FFL Responsible Person for **Performance Paintball, Inc.**, d/b/a “**Ikkin Arms**,”;

**Michael Mastrogiovanni**, individually, and as owner and as BATFE FFL Responsible Person for “**Spur Shooters Supply**”;

**Robert Owens**, individually, and as owner and as BATFE FFL Responsible Person for “**Thousand Islands Armory**”;

**Craig Serafini**, individually, and as owner and as BATFE FFL Responsible Person for **Upstate Guns and Ammo, LLC**; and,

**Nick Affronti**, individually, and as BATFE FFL Responsible Person for “**East Side Traders LLC**”; and, **Empire State Arms Collectors, Inc.**;

*Plaintiffs,*

-against-

**KATHLEEN HOCHUL**, in her Official Capacity as Governor of the State of New York;

**STEVEN A. NIGRELLI**, in his Official Capacity as the Acting Superintendent of the New York State Police;

**ROSSANA ROSADO**, in her Official Capacity as the Commissioner of the Department of Criminal Justice Services of the New York State Police; and,

**LETICIA JAMES**, in her Official Capacity as the Attorney General of the State of New York,

*Defendants.*

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Defendants, Kathleen Hochul, Steven Nigrelli, Rossana Rosado and Letitia James, (“Defendant”), in their official capacities, by their attorney, Letitia James, Attorney General, State of New York, hereby answer the Complaint as follows:

1. Admit that some of the referenced statutes began taking effect on June 20, 2022, and that some took effect on December 5, 2022, but deny the remaining allegations set forth in Paragraph 1 of the Complaint.
2. Neither admit nor deny the allegations of Paragraph 2, as they state legal conclusions to which no response is required. To the extent that a response is deemed required, deny the allegations contained in Paragraph 2, except admit that Plaintiffs rely upon the cited statutes for jurisdiction.
3. Neither admit nor deny the allegations of Paragraph 3, as they state legal conclusions to which no response is required. To the extent that a response is deemed required, admit that the Plaintiffs seek the remedies described but deny that they are entitled to such relief.
4. Neither admit nor deny the allegations of Paragraph 4, as they state legal conclusions to which no response is required. To the extent that a response is deemed required, deny the allegations contained in Paragraph 4.
5. Neither admit nor deny the allegations of Paragraph 5, as they state legal conclusions to

which no response is required. To the extent a response is deemed required, admit that venue is proper in this District but otherwise deny the allegations of Paragraph 5.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13.

14. Deny that the “new laws at issue herein violate the constitutional rights of the corporation and its many members” and Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 14.

15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16.

17. Neither admit nor deny the allegations of Paragraph 17, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny knowledge or information sufficient to form a belief as to the truth of the allegations.

18. Neither admit nor deny the allegations of Paragraph 18, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny knowledge or information sufficient to form a belief as to the truth of the allegations.

19. Neither admit nor deny the allegations of Paragraph 19, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny knowledge or information sufficient to form a belief as to the truth of the allegations.

20. Neither admit nor deny the allegations of Paragraph 20, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny knowledge or information sufficient to form a belief as to the truth of the allegations.

21. Neither admit nor deny the allegations of Paragraph 21, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny knowledge or information sufficient to form a belief as to the truth of the allegations.

22. Admit that Plaintiffs have sued Governor Hochul in her official capacity. Neither admit nor deny the second sentence of Paragraph 22, as it states legal conclusions to which no response is required. Admit that Governor Hochul is responsible for the nomination and appointment of the Superintendent of the NYS Police, Commissioner of the NYS Department of Criminal Justice Services, and Secretary of State. Admit that Governor Hochul is an attorney who became Governor on August 24, 2021, following the resignation of former Governor Andrew Cuomo. Admit that

Governor Hochul may be served through her office at the New York State Capitol Building, Albany, New York 12224. Deny the remaining allegations of Paragraph 22.

23. Deny the allegations of Paragraph 23 and affirmatively state that Acting Superintendent Nigrelli retired from government service effective October 6, 2023.

24. Admit Commissioner Rosado was nominated by the Governor Hochul on November 4, 2021 as Acting Commissioner and serves at the pleasure of the Governor. Admit that Commissioner Rosado may be served through her office at New York State Division of Criminal Justice Services, Alfred E. Smith State Office Building, 80 South Swan Street, Albany, New York 12210. Deny the remaining allegations of Paragraph 24.

25. Admit that Attorney General James has been sued in her official capacity. Neither admit nor deny the second, third and fourth sentence of Paragraph 25, as they state legal conclusions to which no response is required.

26. Admit that certain “Frequently Asked Questions,” downloadable PDF documents, and other instructions in the form of memoranda were published on websites but deny the remaining allegations of Paragraph 26.

27. Neither admit nor deny the allegations of Paragraph 27, no response is required.

28. Admit the stated bills were signed into law but deny the remaining allegations of Paragraph 28.

29. Neither admit nor deny the allegations of Paragraph 29.

30. Deny the allegations of Paragraph 30.

31. Neither admit nor deny the allegations of Paragraph 31, as they state legal conclusions to which no response is required. Respectfully refer the Court to the cited statutes for the best evidence of their contents and deny any allegation inconsistent therewith.

32. Neither admit nor deny the allegations of Paragraph 34, as they state legal conclusions to which no response is required.

33. Deny the allegations of Paragraph 33.

34. Neither admit nor deny the allegations of Paragraph 34, as they state legal conclusions to which no response is required. To the extent a response is deemed required, respectfully refer the Court to the cited provision for the best evidence of its contents and deny any allegation inconsistent therewith. Deny the remaining allegations.

35. Neither admit nor deny the allegations of Paragraph 35, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case for the best evidence of its content.

36. Neither admit nor deny the allegations of Paragraph 36, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case for the best evidence of its content.

37. Neither admit nor deny the allegations of Paragraph 37, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case for the best evidence of its content.

38. Neither admit nor deny the allegations of Paragraph 38, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case for the best evidence of its content.

39. Neither admit nor deny the allegations of Paragraph 39, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case for the best evidence of its content.

40. Deny the allegations of Paragraph 40.

41. Neither admit nor deny the allegations of Paragraph 41, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to Black's Law Dictionary for the best evidence of its content.

42. Neither admit nor deny the allegations of Paragraph 42, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to Webster's Dictionary for the best evidence of its content.

43. Deny the allegations of Paragraph 43.

44. Neither admit nor deny the allegations of Paragraph 44, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the text cited for the best evidence of its content.

45. Neither admit nor deny the allegations of Paragraph 45, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case for the best evidence of its content.

46. Deny the allegations of Paragraph 46.

47. Neither admit nor deny the allegations of Paragraph 47, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case for the best evidence of its content.

48. Deny the allegations of Paragraph 48.

49. Deny the allegations of Paragraph 49.

50. Deny the allegations of Paragraph 50.

51. Deny the allegations of Paragraph 51.

52. Deny the allegations of Paragraph 52.

53. Admit that Plaintiff makes the assertions in Paragraph 53 but deny the merit of the

assertions.

54. Deny the allegations of Paragraph 54.

55. Deny the allegations of Paragraph 55.

56. Neither admit nor deny the allegations of Paragraph 56, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of its content.

57. Deny the allegations of Paragraph 57.

58. Deny the allegations of Paragraph 58. See, State Federal Firearms Listings for New York State February 2024, attached as **Exhibit “A,”**<sup>1</sup> see also, Federal Bureau of Investigation “NICS Firearm Background Checks: Month/Year by State,” attached as **Exhibit “B.”**<sup>2</sup>

59. Neither admit nor deny the allegations of Paragraph 59, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the cases for the best evidence of their content.

60. Deny the allegations of Paragraph 60.

61. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 61.

62. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 62.

63. Neither admit nor deny the allegations of Paragraph 63, as they state legal conclusions to

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<sup>1</sup> [https://www.atf.gov/firearms/listing-federal-firearms-licensees/state?field\\_ffl\\_date\\_value%5Bvalue%5D%5Byear%5D=2024&field\\_month\\_value%5Bmonth%5D=2&field\\_state\\_value=NY](https://www.atf.gov/firearms/listing-federal-firearms-licensees/state?field_ffl_date_value%5Bvalue%5D%5Byear%5D=2024&field_month_value%5Bmonth%5D=2&field_state_value=NY) (last visited March 21, 2024)

<sup>2</sup> [https://www.fbi.gov/file-repository/nics\\_firearm\\_checks - day\\_month\\_year.pdf/view](https://www.fbi.gov/file-repository/nics_firearm_checks - day_month_year.pdf/view) (last visited March 21, 2024).

which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of its content.

64. Neither admit nor deny the allegations of Paragraph 64, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case cited for the best evidence of its content.

65. Neither admit nor deny the allegations of Paragraph 65, as they state legal conclusions to which no response is required and respectfully refer the Court to the statutes cited for the best evidence of its content.

66. Neither admit nor deny the allegations of Paragraph 66, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of its content.

67. Neither admit nor deny the allegations of Paragraph 67, as they state legal conclusions to which no response is required and respectfully refer the Court to the statutes cited for the best evidence of its content.

68. Neither admit nor deny the allegations of Paragraph 68, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of its content.

69. Neither admit nor deny the allegations of Paragraph 69, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of its content.

70. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 70.

71. Deny knowledge or information sufficient to form a belief as to the truth of the

allegations of Paragraph 71.

72. Neither admit nor deny the allegations of Paragraph 72, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of its content.

73. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 73.

74. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 74. See, Exhibit B.

75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 75.

76. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 76.

77. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 77.

78. Deny the allegations of Paragraph 78.

79. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 79.

80. Deny the allegations of the first sentence of Paragraph 80. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 80.

81. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 81.

82. Deny knowledge or information sufficient to form a belief as to the truth of the

allegations of Paragraph 82.

83. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 83.

84. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 84.

85. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 85.

86. Deny the allegations of Paragraph 86.

87. Neither admit nor deny the allegations of Paragraph 87, as they state legal conclusions to which no response is required. To the extent a response is deemed required, admit that the other lawsuits were filed but deny that they have merit, respectfully refer the Court to the cases cited for the best evidence of their content, and otherwise deny the allegations of Paragraph 87.

88. Deny the allegations of Paragraph 88.

89. Deny the allegations of Paragraph 89.

90. Deny the allegations of Paragraph 90.

91. Deny the allegations of Paragraph 91.

92. Deny the allegations of Paragraph 92.

93. Deny the allegations of Paragraph 93.

94. Admit that the quoted statement was made, but deny the remaining allegations of Paragraph 94.

95. Admit that the quoted statement in Paragraph 95 was made.

96. Admit that the quoted statement in Paragraph 96 was made.

97. Admit that Governor Hochul is an attorney. Neither admit nor deny the remaining

allegations of Paragraph 97, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the remaining allegations and respectfully refer the Court to the authorities cited for the best evidence of its content.

98. Deny the allegations of Paragraph 98.

99. Deny the allegations of Paragraph 99.

100. Neither admit nor deny the allegations of Paragraph 100, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case cited for the best evidence of its content.

101. Admit that the quoted statement regarding a “dark day” was made but deny the remaining allegations of Paragraph 101.

102. Deny the allegations of Paragraph 102.

103. Admit that the quoted statements in Paragraph 103 were made.

104. Admit the allegations in Paragraph 104.

105. Admit that the quoted statements were made but deny the remaining allegations of Paragraph 105.

106. Admit that the quoted statement was made but deny the remaining allegations of Paragraph 106.

107. Admit that the quoted statement was made but deny the remaining allegations of Paragraph 107.

108. Admit that the quoted statements were made but deny the remaining allegations of Paragraph 108.

109. Deny the allegations of Paragraph 109.

110. Admit that the quoted statements in Paragraph 110 were made.

111. Admit that the quoted statement was made but deny the remaining allegations of Paragraph 111.

112. Admit that the quoted statement was made but deny the remaining allegations of Paragraph 112.

113. Admit that the quoted statements in Paragraph 113 were made but deny the remaining allegations of Paragraph 113.

114. Admit that the quoted statement was made and neither admit nor deny the remaining allegations of Paragraph 114, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the remaining allegations of Paragraph 114 and respectfully refer the Court to the authorities cited for the best evidence of its content.

115. Admit that the quoted statement was made but deny the remaining allegations of Paragraph 115.

116. Deny the allegations of Paragraph 116.

117. Neither admit nor deny the allegations of Paragraph 117, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the case cited for the best evidence of its content.

118. Deny the allegations of Paragraph 118.

119. Deny the allegations of Paragraph 119.

120. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 120.

121. Neither admit nor deny the allegations of Paragraph 121, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the cases cited for the best evidence of their content.

122. Deny the allegations of Paragraph 122.
123. Deny the allegations of Paragraph 123.
124. Deny the allegations of Paragraph 124.
125. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 125.
126. Deny the allegations of Paragraph 126.
127. Deny the allegations of Paragraph 127.
128. Deny the allegations of Paragraph 128 and respectfully refer the Court to the cases cited for the best evidence of its content.
129. Deny the allegations of Paragraph 129.
130. Deny the allegations of Paragraph 130.
131. Neither admit nor deny the allegations of Paragraph 131, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.
132. Neither admit nor deny the allegations of Paragraph 132, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.
133. Neither admit nor deny the allegations of Paragraph 133, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

134. Neither admit nor deny the allegations of Paragraph 134, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

135. Neither admit nor deny the allegations of Paragraph 135, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statute cited for the best evidence of its content.

136. Deny the allegations of Paragraph 136.

137. Deny that the stated statute contradicts federal firearms compliance law. Neither admit nor deny the remaining allegations of Paragraph 137, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

138. Deny that the stated statute contradicts federal firearms compliance law. Neither admit nor deny the remaining allegations of Paragraph 138, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statute cited for the best evidence of its content.

139. Neither admit nor deny the allegations of Paragraph 139, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

140. Neither admit nor deny the allegations of Paragraph 140, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

141. Neither admit nor deny the allegations of Paragraph 141, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

142. Neither admit nor deny the allegations of Paragraph 142, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

143. Neither admit nor deny the allegations of Paragraph 143, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

144. Neither admit nor deny the allegations of Paragraph 144, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statute cited for the best evidence of its content.

145. Neither admit nor deny the allegations of Paragraph 145, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the provisions cited for the best evidence of their content.

146. Deny the allegations of Paragraph 146.

147. Deny the allegations of Paragraph 147.

148. Deny the allegations of Paragraph 148.

149. Deny the allegations of Paragraph 149.

150. Deny the allegations of Paragraph 150.

151. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 151 but deny that Defendants are putting Plaintiffs in a position of being compelled to commit federal crimes.

152. Deny the allegations of Paragraph 152.

153. Deny the allegations of Paragraph 153.

154. Deny the allegations of Paragraph 154.

155. Admit that a Continuing Legal Education program was presented through the New York State Bar Association. Deny the remaining allegations of Paragraph 155.

156. Neither admit nor deny the allegations of Paragraph 156, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

157. Deny the allegations of Paragraph 157.

158. Neither admit nor deny the allegations of Paragraph 158, as they state

legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content, except deny knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiffs' inventory and awareness.

159. Neither admit nor deny the allegations of Paragraph 159, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content.

160. Neither admit nor deny the allegations of Paragraph 160, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the statutes cited for the best evidence of their content, except deny knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiffs and their businesses. See also, Declaration of Michael W. Deyo, Counsel for the New York State Police, attached as **Exhibit "C."**

161. Admit that several statutes have already gone into effect as early as June 30, 2022, September 1, 2022, September 4, 2022 and December 5, 2022, but deny the remaining allegations of Paragraph 161.

162. Deny the first sentence of Paragraph 162 and admit the truth of the remaining allegations.

163. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of Paragraph 163 and deny the remaining allegations of Paragraph 163.

164. Neither admit nor deny the allegations of Paragraph 164, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

165. Deny knowledge or information sufficient to form a belief as to the truth of the first sentence of Paragraph 165. Neither admit nor deny the remaining allegations of Paragraph 165, as they state legal conclusions to which no response is required and respectfully refer the Court to the applicable statutes for the best evidence of their content.

166. Deny the allegations of Paragraph 166.

167. Deny knowledge or information sufficient to form a belief as to the truth of the first sentence of Paragraph 167 and deny the remaining allegations of Paragraph 167.

168. Deny the allegations of Paragraph 168.

169. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 169.

170. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 170.

171. Neither admit nor deny the allegations of Paragraph 171, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the sources cited for the best evidence of their content.

172. Deny the allegations of Paragraph 172.

173. Deny the allegations of Paragraph 173.

174. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 174.

175. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 175.

176. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 176.

177. Deny the allegations of Paragraph 177.

178. Deny the allegations of Paragraph 178.

179. Deny the allegations of Paragraph 179.

180. Deny the allegations of Paragraph 180.

181. Deny the allegations of Paragraph 181 and respectfully refer the Court to the statutes cited for the best evidence of their content.

182. Deny the allegations of Paragraph 182.

183. Deny the allegations of Paragraph 183.

184. Deny the allegations of Paragraph 184.

185. Neither admit nor deny the allegations of Paragraph 185, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authorities cited for the best evidence of its content.

186. Deny the allegations of Paragraph 186.

187. Neither admit nor deny the allegations of Paragraph 187, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the cases cited for the best evidence of their content.

188. Deny the allegations of Paragraph 188.

189. Deny the allegations of Paragraph 189.
190. Admit that the bill jacket states that the FBI “lacks access to crucial state-owned and local-owned records and databases that provide a fuller, more accurate assessment of an applicant's background.” Deny the remaining allegations of Paragraph 190.
191. Admit that the FBI maintains the NICS database, and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 191.
192. Admit that a convicted felon has lost his or her right to have firearms, ammunition, or explosives. Deny the remaining allegations of Paragraph 192.
193. Deny the allegations of Paragraph 193.
194. Deny the allegations of Paragraph 194.
195. Deny the allegations of Paragraph 195.
196. Admit that the quoted statement was made but deny the remaining allegations of Paragraph 196.
197. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 197.
198. Neither admit nor deny the allegations of Paragraph 198, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.
199. Neither admit nor deny the allegations of Paragraph 199, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations.

200. Neither admit nor deny the allegations of Paragraph 200, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations.

201. Neither admit nor deny the allegations of Paragraph 201, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

202. Neither admit nor deny the allegations of Paragraph 202, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations.

203. Neither admit nor deny the allegations of Paragraph 203, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

204. Neither admit nor deny the allegations of Paragraph 204, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

205. Neither admit nor deny the allegations of Paragraph 205, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

206. Neither admit nor deny the allegations of Paragraph 206, as it merely restates

government materials. To the extent a response is deemed required, respectfully refer the Court to the authorities cited for the best evidence of its content.

207. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of the first and second sentences of Paragraph 207. Neither admit nor deny the allegations of the third and fourth sentences of Paragraph 207, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

208. Deny the allegations of Paragraph 208.

209. Neither admit nor deny the allegations of Paragraph 209, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

210. Neither admit nor deny the allegations of Paragraph 210, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

211. Deny knowledge or information sufficient to form a belief as to the truth of the first sentence of Paragraph 211. Deny the allegations as to the second sentence of Paragraph 211.

212. Neither admit nor deny the allegations of Paragraph 212, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

213. Neither admit nor deny the allegations of Paragraph 213, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

214. Admit that the quoted statement was made but deny the remaining allegations of Paragraph 214.

215. Neither admit nor deny the allegations of Paragraph 215, as it purports to state Plaintiffs' contention, and no response is therefore required. To the extent a response is deemed required, deny the allegations of Paragraph 215.

216. Neither admit nor deny the allegations of Paragraph 216, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

217. Deny the allegations of Paragraph 217, except deny knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiffs' own recordkeeping practices.

218. Neither admit nor deny the allegations of Paragraph 218, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

219. Neither admit nor deny the allegations of Paragraph 219, as they state legal conclusions to which no response is required. Respectfully refer the Court to the authority cited for the best evidence of its content.

220. Neither admit nor deny the allegations of Paragraph 220, as they state legal

conclusions to which no response is required.

221. Deny the allegations of Paragraph 221.
222. Deny the allegations of Paragraph 222.
223. Neither admit nor deny the allegations of Paragraph 223, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.
224. Neither admit nor deny the allegations of Paragraph 224, as they state legal conclusions to which no response is required and respectfully refer the Court to the authority cited for the best evidence of its content.
225. Neither admit nor deny the allegations of Paragraph 225, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of Paragraph 225, deny the allegations of the second sentence of Paragraph 225, and respectfully refer the Court to the authority cited for the best evidence of its content.
226. Neither admit nor deny the allegations of Paragraph 226, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.
227. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 227.
228. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 228.

229. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 229.

230. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 230.

231. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 231.

232. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 232. and respectfully refer the Court to the authority cited for the best evidence of its content.

233. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 233.

234. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 234.

235. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 235.

236. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 236.

237. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 237.

238. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 238.

239. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 239.

240. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 240.

241. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 241.

242. Neither admit nor deny the allegations of Paragraph 242, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

243. Neither admit nor deny the allegations of Paragraph 243, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

244. Neither admit nor deny the allegations of Paragraph 244, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

245. Neither admit nor deny the allegations of Paragraph 245, as they state legal conclusions to which no response is required and respectfully refer the Court to the authority cited for the best evidence of its content.

246. Neither admit nor deny the allegations of Paragraph 246, as they state legal conclusions to which no response is required. To the extent a response is deemed required and respectfully refer the Court to the authority cited for the best evidence of its content.

247. Neither admit nor deny the allegations of Paragraph 247, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

248. Neither admit nor deny the allegations of Paragraph 248, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

249. Neither admit nor deny the allegations of Paragraph 249, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

250. Neither admit nor deny the allegations of Paragraph 250, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

251. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 251.

252. Deny knowledge or information sufficient to form a belief as to the truth of the Allegations in the first, third and fourth sentences of Paragraph 252. Deny the truth of the allegations of the second sentence of Paragraph 252.

253. Neither admit nor deny the allegations of Paragraph 253, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

254. Neither admit nor deny the allegations of Paragraph 254, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

255. Deny the allegations of Paragraph 255.

256. Neither admit nor deny the allegations of Paragraph 256, as they state legal conclusions to which no response is required and respectfully refer the Court to the authority cited for the best evidence of its content.

257. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 257.

258. Neither admit nor deny the allegations of the first sentence of Paragraph 258, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content. Deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 258.

259. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 259.

260. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 260.

261. Deny knowledge or information sufficient to form a belief as to the truth of the

allegations of Paragraph 261.

262. Neither admit nor deny the allegations of Paragraph 262, as they state legal conclusions to which no response is required and respectfully refer the Court to the authority cited for the best evidence of its content.

263. Neither admit nor deny the allegations of Paragraph 263, as they state legal conclusions to which no response is required, and respectfully refer the Court to the authority cited for the best evidence of its content.

264. Neither admit nor deny the allegations of Paragraph 264, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

265. Neither admit nor deny the allegations of Paragraph 265, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

266. Neither admit nor deny the allegations of Paragraph 266, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

267. Neither admit nor deny the allegations of Paragraph 267, as they state legal conclusions to which no response is required, and respectfully refer the Court to the authority cited for the best evidence of its content.

268. Deny knowledge or information sufficient to form a belief as to the truth of the

allegations of Paragraph 268.

269. Neither admit nor deny the allegations of Paragraph 269, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

270. Neither admit nor deny the allegations of Paragraph 270, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

271. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 271.

272. Neither admit nor deny the allegations of Paragraph 272, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

273. Neither admit nor deny the allegations of Paragraph 273, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

274. Neither admit nor deny the allegations of Paragraph 274, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

275. Neither admit nor deny the allegations of Paragraph 275, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

276. Neither admit nor deny the allegations of Paragraph 276, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

277. Neither admit nor deny the allegations of Paragraph 277, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

278. Neither admit nor deny the allegations of Paragraph 278, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

279. Neither admit nor deny the allegations of Paragraph 279, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

280. Neither admit nor deny the allegations of Paragraph 280, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

281. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 281.

282. Deny the allegations in the first sentence of Paragraph 282. Neither admit nor deny the allegations of the second sentence of Paragraph 282, as they state legal conclusions to which no response is required and respectfully refer the Court to the authority cited for the best evidence of its content.

283. Neither admit nor deny the allegations of Paragraph 283, as they state legal conclusions to which no response is required. To the extent a response is deemed required, admit the allegations of the first sentence, deny the allegations of the second sentence, deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and respectfully refer the Court to the authority cited for the best evidence of its content.

284. Neither admit nor deny the allegations of Paragraph 284, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

285. Neither admit nor deny the allegations of Paragraph 285, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

286. Neither admit nor deny the allegations of Paragraph 286, as they state legal

Conclusions to which no response is required. To the extent a response is deemed required, deny the allegations of the first sentence of Paragraph 286, deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and respectfully refer the Court to the authority cited for the best evidence of its content.

287. Neither admit nor deny the allegations of Paragraph 287, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

288. Neither admit nor deny the allegations of Paragraph 288, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

289. Neither admit nor deny the allegations of Paragraph 289, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny knowledge or information sufficient to form a belief as to the truth of the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

290. Deny the allegations of the first sentence of Paragraph 290 and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations..

291. Neither admit nor deny the allegations of Paragraph 291, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

292. Neither admit nor deny the allegations of Paragraph 292, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

293. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 293.

294. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 294 but deny that the “new laws are complicated, confusing, menacing....”

295. Neither admit nor deny the allegations of Paragraph 295, as they state legal conclusions to which no response is required and respectfully refer the Court to the authority cited for the best evidence of its content.

296. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 296.

297. Deny the allegations of Paragraph 297.

298. Deny the allegations of Paragraph 298.

299. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 299.

300. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 300 but deny that the “new laws are complicated, confusing, menacing....”

301. Neither admit nor deny the allegations of Paragraph 301, as they state legal conclusions to which no response is required and respectfully refer the Court to the authority cited for the best evidence of its content.

302. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 302.

303. Deny the allegations of Paragraph 303.

304. Deny the first sentence of Paragraph 304 and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 304.

305. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 305.

306. Re-allege the responses to all previous paragraphs, as if fully set forth herein.

307. Deny the allegations of Paragraph 307.

308. Deny the allegations of Paragraph 308.

309. Neither admit nor deny the allegations of Paragraph 309, as they state legal conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

310. Deny the allegations of Paragraph 310.

311. Deny the allegations of Paragraph 311.

312. Deny the allegations of Paragraph 312.

313. Deny the allegations of Paragraph 313.

314. Re-allege the responses to all previous paragraphs, as if fully set forth herein.

315. Deny the allegations of Paragraph 315.

316. Neither admit nor deny the allegations of Paragraph 316, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

- 317. Deny the allegations of Paragraph 317.
- 318. Deny the allegations of Paragraph 318.
- 319. Deny the allegations of Paragraph 319.
- 320. Deny the allegations of Paragraph 320.
- 321. Deny the allegations of Paragraph 321.
- 322. Deny the allegations of Paragraph 322.
- 323. Deny the allegations of Paragraph 323.
- 324. Deny the allegations of Paragraph 324.
- 325. Deny the allegations of Paragraph 325.
- 326. Re-allege the responses to all previous paragraphs, as if fully set forth herein.
- 327. Neither admit nor deny the allegations of Paragraph 327, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

- 328. Deny the allegations of Paragraph 328.
- 329. Neither admit nor deny the allegations of Paragraph 329, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

- 330. Neither admit nor deny the allegations of Paragraph 330, as they state legal

conclusions to which no response is required. To the extent a response is deemed required, deny the allegations and respectfully refer the Court to the authority cited for the best evidence of its content.

331. Deny the allegations of Paragraph 331.
332. Deny the allegations of Paragraph 332.
333. Deny the allegations of Paragraph 333.
334. Deny the allegations of Paragraph 334.
335. Deny the allegations of Paragraph 335.
336. Re-allege the responses to all previous paragraphs, as if fully set forth herein.
337. Deny the allegations of Paragraph 337.
338. Deny the allegations of Paragraph 338.
339. Deny the allegations of Paragraph 339.
340. Deny the allegations of Paragraph 340.
341. Deny the allegations of Paragraph 341.
342. Deny the allegations of Paragraph 342.
343. Deny the allegations of Paragraph 343.
344. Re-allege the responses to all previous paragraphs, as if fully set forth herein.
345. Deny the allegations of Paragraph 345.
346. Deny the allegations of Paragraph 346.
347. Deny the allegations of Paragraph 347.
348. Deny the allegations of Paragraph 348.
349. Deny the allegations of Paragraph 349.
350. Deny the allegations of Paragraph 350.

351. Deny the allegations of Paragraph 351.
352. Re-allege the responses to all previous paragraphs, as if fully set forth herein.
353. Deny the allegations of the first sentence of Paragraph 353. Admit that the

Plaintiffs raise the claims discussed in the second sentence of Paragraph 353, but deny that those claims have merit.

354. Deny the allegations of Paragraph 354.
355. Deny the allegations of Paragraph 355.
356. Admit that Plaintiffs seek the relief described in Paragraph 356, but deny that they are entitled to it.
357. Admit that Plaintiffs seek the relief described in Paragraph 357, but deny that they are entitled to it.
358. Admit that Plaintiffs seek the relief described in Paragraph 358, but deny that they are entitled to it.
359. Admit that Plaintiffs seek the relief described in Paragraph 359, but deny that they are entitled to it.
360. Admit that Plaintiffs seek the relief described in Paragraph 360, but deny that they are entitled to it.
361. Admit that Plaintiffs seek the relief described in Paragraph 361, but deny that they are entitled to it.
362. Deny all other allegations in the Complaint that are not specifically responded to above.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE,**  
**DEFENDANTS ALLEGE AS FOLLOWS**

363. Plaintiffs fail to state a claim upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

364. Defendants have not violated or deprived Plaintiffs of any rights, privileges or immunities under the Constitution of laws of the United States, the State of New York or any political subdivisions thereof.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

365. The Court lacks subject-matter jurisdiction over this case.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

366. One or more Plaintiffs lack standing to sue.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

367. The acts or omissions of the Defendants did not proximately cause any of the alleged deprivations, losses or injuries of which Plaintiffs complain.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

368. Plaintiffs' claims are barred, in whole or in part, by sovereign or Eleventh Amendment immunity.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

369. Each of the challenged statutes can be constitutionally applied in at least some circumstances, and has a plainly legitimate sweep.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

370. The challenged statutes do not burden conduct protected by the text of the Second Amendment.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

371. The challenged statutes are fully supported by law, history, and tradition.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

372. Defendants are entitled to qualified immunity.

**AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

373. Defendants at no time acted willfully or maliciously in disregard of Plaintiffs' constitutional rights and Plaintiffs, therefore, are not entitled to punitive damages or any other relief.

**AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

374. Any alleged injuries sustained by Plaintiffs in this action were caused, in whole or in part, by their own conduct, or their damages may be limited because their own conduct caused or contributed to the injuries they allege.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

375. Any alleged injuries sustained by Plaintiffs in this action were caused, in whole or in part, by the conduct of one or more parties or entities for whose conduct Defendants are not responsible.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

376. Plaintiffs' claims may be barred, in whole or in part, by failing to mitigate damages.

**AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS**

377. Plaintiffs' claims may be barred in whole or in part by the statute of limitations.

**AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE,  
DEFENDANTS ALLEGE AS FOLLOWS:**

378. Defendants reserve the right to raise additional defenses, which may become known during further investigation and discovery in this case.

**CONCLUSION**

**WHEREFORE**, Defendants respectfully request that this Court dismiss the Complaint in its entirety and with prejudice and grant such further relief as the Court deems just and proper.

Dated: Syracuse, New York  
March 21, 2024

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 21, 2024, she filed Defendants' Answer by electronically filing with the Clerk of the Court herein, using the CM/ECF system, which is understood to have sent notification of such filing electronically to the following:

Paloma A. Capanna, Esq.  
Attorney for Plaintiffs  
106-B Professional Park Drive  
Beaufort, North Carolina 28516

Dated: Syracuse, New York  
March 21, 2024

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